

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

NOV 16 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL CHOW, ELANGO GANESAN,
JOHN WILLIAM PHILLIPS and NAZAR ABBAS ZAIDI

Application 09/505,949

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 2, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Upon review of the Examiner's Answer filed on April 18, 2006, there is no indication that an appeal conference has been conducted, since Examiner Aimee J. Li did not sign the Examiner's Answer.

See, § 1207.01 of the Manual of Patent Examining Procedure

(MPEP) (8th Ed., Rev. 3, August 2005) it states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. [Emphasis added.]

Further, the Appeal Brief received on July 14, 2005 reveals that the following required sections are missing:

(1) "EVIDENCE APPENDIX," as set forth in 37 CFR § 41.37(c)(1)(ix); and

(2) "RELATED PROCEEDINGS APPENDIX" as set forth in 37

CFR § 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c)(1)(ix) and 37 CFR § 41.37(c)(1)(x) is required.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

Application 09/505,949

- 1) for taking corrective action regarding the appeal conference;
- 2) to have the appellants submit a Supplemental Appeal Brief in compliance with 37 CFR § 41.37(c)(1)(ix) and 37 CFR § 41.37(c)(1)(x); and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G. Pedgele for Dale Shaw
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

GJH

cc: BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030